



Town of Tyngsborough

Board of Appeals

Town Hall-25 Bryants Lane
Tyngsborough, Ma 01879-1003
(978) 649-2300, Ext. 112

Board of Appeals Minutes from May 11, 2006

Members Present: Robb Kydd, Chris Mechalides, Eileen Farrell, Claire Cloutier, and Cheryl Bradley.

Member Absent- Gary Ralls

1st Hearing- **Ominipoint Communications, Inc., T-Mobile USA Inc., 50 Coburn Rd.,** Map 26, parcel 33. Request variance and special permit to install, operate, and maintain a wireless communications facility, including without limitation, a 150' monopole, antennas, ground equipment, and fenced compound. R-1 Zone, sections 4.16, 2.12, 2.15.22.

Applicant and Board Members decided to continue this hearing to May 23, 2006 at 6:30 PM due to the fact that only four original members were present at this hearing. Gary Ralls was absent.

This continued hearing will be re-advertised and abutters will be re-notified. Ominipoint agreed to the continuance of the hearing since it is past the time allowed for the board to issue an decision.

Motion to continue this hearing to June 8, 2006 at 6:30 PM by Farrell, Seconded by Mechalides. Vote 5-0

Martha & James Fisette, 12 Lemire Ave., Map 26, parcel 25, request special permit for a 2nd level house on the same footprint. R-1 Zone, sections 2.15.22, 2.15.24.

Legal notice read. Advertised in the Lowell Sun on March 30, 2006 & April 6, 2006.
Application read. Motion to waive the reading of the abutters list by Mechalides.
Seconded by Cloutier. Vote 5-0.

Application presented by James Fisette. He provided pictures of the house to the board.

No Town Boards or abutters present to speak in favor or against the application.

Motion to close the public portion of the hearing by Mechalides. Seconded by Cloutier.
Vote 5-0.

Motion to approve the application as submitted by Mechalides. Seconded by Farrell.
Vote 5-0.

Colin Spence, River Rd., Map 19, Lot 54 request for variance for frontage to construct a single-family dwelling. Lot has no frontage. Access to lot will be from a right of way. R-1 Zone section 2.12.42.

Application read. Advertised in the Lowell Sun on April 27 & May 4, 2006. Town Boards notified. No challenges to the legal notice or abutter notification. Motion to waive the reading of the abutters list by Farrell. Seconded by Cloutier. Vote 5-0.

Application presented by Atty. James Flood.

Abutters speaking against the application were David Presberg, 51 Farwell Rd., Mark Player, -41 Farwell Rd., and Ellen Parlee-89n Farwell Rd.

Discussed letter from Gulford Transportation Industries. Discussion of the deed. Conservation letter read into the record.

Motion by Farrell to continue this hearing to June 8, 2006 in order to have Town Counsel review this application. Seconded by Cloutier. Vote 5-0.

Other Business:

Review- Wynbrook Update/ insubstantial changes – Dave Sears
The Board voted on each change- See Findings and Decision regarding modification to comprehensive permit Tyngsborough Partners, LLC. Dated May 11, 2006.

A1- Motion to approve by Farrell, seconded Cloutier. Vote 5-0.

A2- Motion to approve Mechalides, seconded Cloutier. Vote 5-0.

A3-Motion to approve by Farrell, seconded by Cloutier, vote 5-0.

A4- Motion to approve by Farrell, seconded by Cloutier, vote 5-0.

A5- see A3 same information.

C- Motion to approve by Cloutier, seconded by Mechalides, vote 5-0.

D- Motion to approve by Cloutier, seconded by Mechalides, vote 5-0.

E- Motion to approve by Farrell, seconded by Mechalides, vote 5-0.

Dave Sanderson- addressed the board to discuss the possibility of updating the board on a regular basis as to the status of work at the 40 B projects. Dave will submit reports to the board. Email addresses were given to Mr. Sanderson and he will forward copies of all the past reports to members for their review. Mr. Sanderson suggested that with the substantial 40B development work going on at the three projects at this time, perhaps there could be a contact from the Board for each project. This would allow Mr. Sanderson to contact a Board member as issues were to arise and in a timely fashion. Gary Ralls will represent the Board on the Maple Ridge project and the Chairman; Robb Kydd would be contacting him to see if he had any interest in continuing his efforts with that project. It was decided that each member would review the reports coming from Mr. Sanderson. Board members would discuss contacts for the projects.

Approve minutes from April 13, 2006. Motion to approve minutes by Chris Mechalides. Seconded by Cloutier. Vote 5-0.

Motion to close the meeting by Mechalides. Seconded by Cloutier. Vote 5-0

Minutes taken by Cheryl Bradley.